

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ARTHUR NIGRO,
FOTIOS GEAS, and
TY GEAS,

Defendants

: S5 09 Cr. 1239 (PKC)
ECF Case

:

:

Electronically filed

:

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**Defendant NIGRO's Motion
to
Correct Addendum to Presentence Investigation Report**

Attorneys for **Arthur Nigro**

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September 7, 2011

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Introduction

On April 1, 2011 defendant Arthur Nigro was convicted by jury verdict of Counts 1, 2, 4, 5, 6 and 7. He was found not guilty of Count 3, "Murder of Aldolfo Bruno to Obstruct Justice."

Defendant Arthur Nigro is scheduled to be sentenced on September 12, 2011.

On August 30, 2011 the SDNY probation Office filed an Addendum to its PSR.

This Motion

This motion is made because the Addendum at page 38, under the caption "Justification," contains an apparent error in a statement describing Nigro's involvement in the

crimes charged. We say *apparent* because we assume the PSR, in describing Nigro's crimes, intends to refer to those crimes or racketeering acts of which Nigro was convicted; not for Count 3 (regarding Adolfo Bruno) of which he was acquitted, or for Count Five (regarding Gary Westerman) in which he was not charged.

Although Nigro was found not guilty of the only crime or racketeering act charging him with Murder to Obstruct Justice – Count 3 regarding the murder of Adolfo Bruno – the PSR at page 38, third paragraph reads:

In the instant offence, from 2001 to February 2010, Nigro was an organizer/leader of the Genovese Organized Crime Family, who was involved in various crimes in furtherance of the criminal organization, *including the murder of a Government witness in an attempt to obstruct justice*, as well as the attempted murder of two other individuals. (emphasis added)

The Probation Office informs us that, because the Addendum has been submitted with the final version of the PSR, requests for correction of items claimed to be erroneous in the Addendum should be made directly to the Court.

Conclusion

For the reasons explained above, defendant Arthur Nigro requests the Court to order that the Addendum to the PSR be corrected and amended by deletion of the words (and substance) of the third paragraph of page 38 “including the murder of a Government witness in an attempt to obstruct justice.”

Dated: New York, NY
September 7, 2011

Respectfully submitted,
Attorneys for Arthur Nigro

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